REMARKS

Claims 43-46 and 59-64 were and remain pending in the application. Claims 43-46 and 59-64 stand rejected. By this paper, all of these claims have been amended to correct preamble informalities. Independent claims 43, 46, and 59-62 have also been substantively amended. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Drawings

The drawings have been objected to under 37 CFR 1.83(a) for failing to show one embodiment described in the specification and claimed. Specifically, the examiner states that the drawings "fail to show 'armrest includes a connecting portion that slidably fits over a' as described in the specification." (Emphasis and quotes in that office action). The applicant has attached a proposed Figure 18 labeled "New Sheet" to be added to the specification in accordance with 37 CFR 1.121 (d)(2). Figure 18 does not constitute new matter, as it is fully supported by the specification as originally submitted, such as in Paragraph [0054]. A new figure description for Figure 18 has been added to the written description and Paragraph [0054] has been amended to refer to Figure 18 as well.

Claim Rejections - 35 U.S.C. §103

Claims 43-46 and 59-64 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,474,735 (Carnahan) in view of U.S. Patent No. 4,967,864 (Boyer). The applicant requests that the rejection of all of the pending claims be withdrawn in view of the foregoing amendments and the following remarks.

Claims 43-45, 59-61, and 63

Independent claims 43, 59, 60, and 61 have each been amended to recite that the armrest or armrests therein each have *only one* connecting portion coupling the armrest to a receiving portion on the base. This limitation is not taught or suggested by either of Carnahan or Boyer.

Carnahan has horizontally rotatable armrests 22 on each side of its seat. Each Carnahan armrest is connected to the base at each of its ends, and thus, each armrest has two connection points or connecting portions 42 and 47 (see FIG. 3b for example). Similarly, Boyer has a vertically slidable armrest on each side of the wheel chair. Each of the Boyer armrests (see FIG.

5 for example) has two connecting portions 110 coupled to two corresponding receiving portions 108. In Boyer, a user must manipulate each connecting portion on each armrest in order to adjust the armrest height, which can be difficult and cumbersome, requires two hands, and can result in binding of the armrest unless each connecting and receiving portion is slid precisely simultaneously during adjustment. The claimed armrest with only a single connecting portion is easier to adjust and release, can be released and adjusted with one hand, and can reduce or eliminate binding during adjustment because of the single slidable connection.

Neither Carnahan nor Boyer teaches an armrest with only one connecting portion between armrest and base as claimed. The combination of Carnahan and Boyer thus fails to teach or suggest this limitation of claims 43 and 59-61. As a result, the cited reference combination does not teach all of the claim limitations of independent claims 43 and 59-61. The obviousness rejection of these claims and their corresponding claims 44, 45, and 63 should be withdrawn for at least this reason.

Claims 46, 61, 62, and 64

Independent claims 46, 61, and 62 have each been amended to recite that the armrest or armrests employ a *resilient flexible tab that is integrally formed* as part of either the connecting portion or the receiving portion of the seat. This limitation is also not taught or suggested by either of Carnahan or Boyer.

Again, Carnahan has horizontally rotatable armrests 22 on each side of its seat. The Carnahan armrests are not slidably adjustable and do not employ any type of resilient tabs, protrusions, or slots to positionally, retain, release, and adjust the armrests. Boyer on the other hand has a vertically slidable armrest on each side of the wheel chair. Each of the Boyer armrests (see FIG. 6 for example) has a complex a spring loaded latch pin 116 mounted to and separate from both the two connecting portions 110 and the two corresponding receiving portions 108 on each of the armrests. Boyer requires four of the latch pins 116 and each latch pin requires additional components and manufacturing steps to assemble. On the other hand, the claimed tabs require no additional parts and thus no additional assembly labor or steps. With respect to claim 61, which recites only one connecting portion for each armrest, each armrest will require only one of the tabs as well.

Neither Carnahan nor Boyer teaches an armrest with a resilient flexible tab integrally formed as part of one of the connecting or receiving portions as claimed. The combination of Carnahan and Boyer thus fails to teach or suggest this limitation of claims 46, 61, and 62. As a result, the cited reference combination does not teach all of the claim limitations of independent claims 46, 61, and 62. The obviousness rejection of these claims and the corresponding claim 64 should be withdrawn for at least this reason.

All Claims 43-46 and 59-64

With respect to all of the claims, the rejection should be withdrawn for the following additional reason. The office action has identified no particular teaching, motivation, or suggestion within the prior art that would have led one of ordinary skill in the art to modify Carnahan's armrests according the teachings or Boyer. The applicants assert that one of ordinary skill in the art would in fact not modify Carnahan according to Boyer.

Specifically, Carnahan teaches a particular solution to achieve height adjustable armrests. This solution is painstakingly described in Carnahan and is thoroughly claimed in each and every claim in Carnahan. That solution is to provide armrests 22 that are rotatable about a generally horizontal axis as in FIGS. 3a and 3b. The armrests are further shaped so that when rotated to one permissible orientation, each has a top surface at one height. When rotated to a second permissible orientation, each has a different exposed top surface at a second height different from the first height. Thus, in order to achieve a change in the height of the Carnahan armrest, each armrest is rotated 180° around the axis between the two permissible orientations.

Boyer teaches an entirely different armrest adjustment solution. Modifying Carnahan in any way to alter the armrest adjustment according to the vertical sliding tubes of Boyer would require completely scrapping Carnahan's horizontal rotation solution. This would destroy the express teachings of Carnahan and would completely change the principal of operation of the Carnahan armrests. It is well known that a proposed reference combination can not do so. Combining the teachings of Carnahan and Boyer in the manner set forth in the office action is thus improper. The rejection of each of the claims should be withdrawn for this additional reason as well.

CONCLUSION

For each of the reasons stated above, the Carnahan and Boyer references, whether taken alone or in combination, fail to teach or suggest all of the limitations of the pending claims and the combination of these references as applied in rejecting the pending claims is improper. Claims 43-46 and 59-64 are believed to be in condition for allowance in view of the foregoing amendments and remarks. Reconsideration and withdrawal of the rejections and allowance of these claims is respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fees are believed due at this time.

Respectfully submitted,

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November 14, 2007